

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

TORAN PETERSON,

Plaintiff,

Case No. 1:09-cv-233

v.

Honorable Paul L. Maloney

UNKNOWN FOCO et al.,

Defendants.

---

**MEMORANDUM OPINION**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On July 23, 2009, this Court entered an opinion (docket #11) and an order for partial service (docket #12), which dismissed all of the Defendants to Plaintiff's amended complaint except Defendants (unknown) Foco and (unknown) Daugherty. The order for partial service required Plaintiff to obtain two (2) copies of the amended complaint and exhibits for service upon Defendants Foco and Daugherty. The order also required Plaintiff to file the copies with the Court or file an affidavit explaining why Plaintiff was unable to provide the copies to the Court. Plaintiff, however, failed to submit the necessary copies or the requisite affidavit with the Court. On September 1, 2009, this Court ordered Plaintiff to show cause (docket #13) why his action should not be dismissed without prejudice for failure to comply with the Court's order for partial service. The Court warned Plaintiff that if he failed to respond to the order or to provide sufficient cause for his failure to comply with the Court's order for partial service, his action may be dismissed without prejudice by the district judge.

On September 9, 2009, Plaintiff filed a response (docket #14) to the order to show cause. In his response, Plaintiff argues that his “[amended complaint] was filed [on] June 15, 2009.” (Response, docket #14.) Plaintiff is correct that he filed his original amended complaint on June 15, 2009. This Court accepted the amended complaint for filing in an order dated June 29, 2009. (*See* June 29, 2009 Order, docket #8.) Plaintiff, however, did not file two copies of his amended complaint with his original amended complaint. Further, Plaintiff has not filed the necessary copies in response to this Court’s order for partial service (docket #12) or this Court’s order to show cause (docket #13). As such, Plaintiff has failed to provide good cause as to why he is unable to provide two copies of his amended complaint and exhibits. Because Plaintiff has wholly failed to comply with the Court’s order for partial service and order to show cause, the Court will issue a judgment dismissing Plaintiff’s case without prejudice.

Dated: September 21, 2009

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge